

6. UNIVERSAL SERVICE

Universal Service was a Theodore Vail desire that was based upon Vail's desire to obtain a national monopoly. Vail promised this to Congress and the ICC to assure his ability to get the national monopoly for AT&T. This latter became a public policy issue for the PUCs as they increased their powers over the LECs. Universal service may not mean universal competition. The RBOCs will argue cream skimming for the alternative carriers and will argue that the RBOCs must serve the rural customer, leaving the more profitable, and possibly only profitable, customer in the urban area where competition exists. The issue of universal service does not demand universal competition. Namely, universal service means that as a public policy issue, the total infrastructure may have to deal with providing service to all who are citizens and can afford a lifeline type of service. This may be handled by a fiscal or taxation approach, separate and apart from the running of a business, thus leveling the field for all of the players.

The Respondent believes that the Commission's position is viable and should be implemented.

7. CONCLUSIONS

The Respondent reiterates the simple conclusion. Specifically:

Conclusion: A wireless telephone is used in a fashion that is mandated by the market and as technology improves, as it is wont to do, then clearly the use will be in a displacement mode with local exchange fixed service. The Commission should treat the CMRS carriers on a pari passu basis with all other Local Exchange Carriers and that this treatment should entail all of the requirements under the 1996 Act, including but not necessarily limited to un-bundling and the coverage as common carriers.

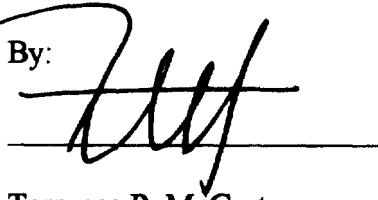
The Respondent takes the position that the free markets shall determine the use of wireless depending upon price, quality and technology, and that such a choice is consistent without the 1996 Act and that the issue of allowing or regulating CMRS applications is a futile task. Thus the Respondent takes the position that the Commission should establish a "hands off" approach to CMRS usage. The Respondent has filed and published many analyses relating to this area and brings these to the attention of the Commission as part of this filing.

The Respondent has repeatedly argued that there should not be a distinction made between the CMRS and the LEC and that all parties providing the equivalent of local telecommunications service should be treated pari passu. In effect there are multiple LECs in any one market and that the technological distinctions made as a basis of service

Respectfully submitted,

COMAV, LLC
and
The Telmarc Group, Inc.
February 26, 1996

By:

A handwritten signature in black ink, appearing to read 'T. McGarty', is written over a horizontal line.

Terrence P. McGarty
President
COMAV, LLC and
The Telmarc Group, Inc.
24 Woodbine Rd
Florham Park, NJ 07932
201-377-6269

Dated: February 26, 1996

CERTIFICATE OF SERVICE

I, Terrence P. McGarty, hereby certify that a copy of the foregoing has been sent by United States Postal Service Express Mail with Next Day Delivery (*) or by United States mail, first class and postage prepaid, to the following on this day February 26, 1996

The Honorable Reed E. Hundt (*)
Chairman,
Federal Communications Commission
1919 M Street, N.W., Room 832
Washington, D.C. 20554

The Honorable Rachelle B. Chong (*)
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

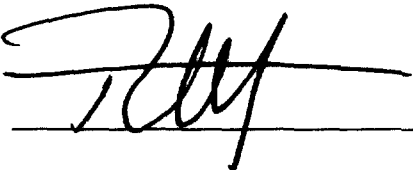
The Honorable James H. Quello (*)
Commissioner,
Federal Communications Commission
1919 M Street, N.W., Room 802
Washington, D.C. 20554

The Honorable Susan Ness (*)
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

The Honorable Andrew C. Barrett (*)
Commissioner,
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, D.C. 20554

Dr. Robert M. Pepper, Chief (*)
Office of Plans and Policy
Federal Communications Commission
1919 M Street, Room 822
Washington, D.C. 20554

Attested to this day, February 26, 1996



Terrence P. McGarty
President,
COMAV, LLC and The Telmarc Group, Inc.

References

ⁱ The following are publications are related to the issues we have discussed before:

1. **Alternative Networking Architectures**, McGraw Hill (New York), 1992.
2. **Wireless Communications Economics**, Advanced Telecommunications Institute Policy Paper, Carnegie Mellon University, February, 1992.
3. **Communications Network Morphological and Taxonomical Policy Implications**, Telecommunications Policy Research Conference, Solomon's Island, MD, September, 1992.
4. **Architectures et Structures de L'Information**, *Reseaux*, No 56, pp. 119-156, December, 1992, Paris.
5. **Economic Structural Analysis of Wireless Communications Systems**, Advanced Telecommunications Institute Policy Paper, Carnegie Mellon University, February, 1993.
6. **Access to the Local Loop; Options, Evolution and Policy Implications**, Kennedy School of Government, Harvard University, Infrastructures in Massachusetts, March, 1993.
7. **Wireless Access to the Local Loop**, MIT Universal Personal Communications Symposium, March, 1993.
8. **Spectrum Allocation Alternatives; Industrial; Policy versus Fiscal Policy**, MIT Universal Personal Communications Symposium, March, 1993.
9. **Access Policy and the Changing Telecommunications Infrastructures**, Telecommunications Policy Research Conference, Solomon's Island, MD, September, 1993.
10. **Internet Architectural and Policy Implications**, Kennedy School of Government, Harvard University, Public Access to the Internet, May 26, 1993.
11. **Wireless Architectural Alternatives: Current Economic Valuations versus Broadband Options**, The Gilder Conjectures, Solomon's Island, MD, September, 1994
12. **From High End User to New User: A New Internet Paradigm**, MIT Press (Cambridge, MA), 1995.

ⁱⁱ The following are FCC Filings made by Telmarc in prior FCC Dockets and as ex Parte and referred to herein:

1. **PIONEER PREFERENCE FILING**, MAY 8, 1992.
2. **PIONEER PREFERENCE COMMENTS**, JUNE 23, 1992.
3. **NPRM COMMENTS**, NOVEMBER 8, 1993.
4. **NPRM REPLY COMMENTS**, DECEMBER 12, 1992.
5. **EX PARTE**, DECEMBER 21, 1992
6. **NPRM JOINT COMMENTS**, JANUARY 12, 1993
7. **EX PARTE**, FEBRUARY 17, 1993

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8. EX PARTE, MARCH 29, 1993
 9. LICENSE FILING, MAY 8, 1992
 10. LICENSE AMENDMENT, OCTOBER 15, 1992
 11. LICENSE FILINGS, APRIL 19, 1993
 12. JOINT NPC FILING, JULY 29, 1993
 13. FIRST QUARTERLY REPORT, JANUARY 1, 1993
 14. SECOND QUARTERLY REPORT, APRIL 1, 1993
 15. THIRD QUARTERLY REPORT, JULY 1, 1993.
 16. FOURTH QUARTERLY REPORT, OCTOBER, 1, 1993
 17. COMMENTS ON IMPLEMENTATION OF SECTION 3(N) AND 332 OF THE
COMMUNICATIONS ACT, NOVEMBER 8, 1993.
 18. COMMENTS ON THE IMPLEMENTATION OF SECTION 309(J) OF THE COMMUNICATIONS
ACT, NOVEMBER 10, 1993.
 19. FIRST QUARTERLY REPORT, JANUARY 1, 1994.
 20. SECOND QUARTERLY REPORT, APRIL 1, 1994.
 21. EX PARTE, DOCKET 90-314, AUCTIONS, APRIL 19, 1994.
 22. EX PARTE, DOCKET 90-314, SET ASIDES, MAY 30, 1994.
 23. EX PARTE, DOCKET 90-314, PCS, COMPETITION AND ACCESS FEES, MAY 30, 1994.
 24. THIRD QUARTERLY REPORT, JULY 3, 1994.
 25. EX PARTE, PETITION FOR CLARIFICATION, BIDDING RULES, AUGUST 17, 1994.